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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,253	06/22/2000	CHRISTOPHER RICHARDSON	ULT4084P0160	3607

7590 03/22/2004

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/582,253

Applicant(s)

RICHARDSON, CHRISTOPHER

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/23/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the seventh Office Action for serial number 09/582,253, Connecting Device, filed on June 22, 2000. Claims 22-28 are pending.

#### ***Withdrawal of Allowable Subject Matter***

The examiner respectfully withdraws the previously indicated allowability of claim 22 of this application in view of the newly applied reference to Nakama et al. Examiner sincerely apologizes for any inconvenience afforded applicant.

#### ***Claim Objections***

Claim 22 is objected to because of the following informalities: on line 4, "paret" should be --part-- and on line 15 --slidably-- should be inserted before "capture". Appropriate correction is required.

Claim 23 is objected to because of the following informalities: on line 2, insert --a-- before "distance" and on line 3 insert --of-- after "dimension" and delete "of the captured pipe" after "sides". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 is rejected because it is unclear whether the combination of the connecting device and the pipe is being claimed or merely the subcombination of the connecting device. Claim 22 recites the pipe in a functional statement in the preamble of the claim, indicating the subcombination is being claimed, yet the applicant recites a further structural limitation to the pipe in claim 1, lines 4-5 and 11 (i.e. "attachable... along the longitudinal axis of the pipe"), indicating the combination is being claimed. Also, please see all depending claims for similar problems. For purposes of this Office action, the examiner will assume the **subcombination** is being claimed. If the intention of applicant is to claim only the subcombination, applicant may wish to insert, on line 4, --so as to be slidable-- before "along the longitudinal axis" and further amending line 11 accordingly.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-24 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,526,333 to Nakama et al. (Nakama). Nakama teaches a connecting

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device (Fig. 6) comprising: a first part (1) fixable to a surface (B); a second part (identical to the first part as shown in Fig. 1 for example) slidably attachable to the first part (1) along a longitudinal direction and adapted to capture a pipe (A) so as to be slidable along the pipe; wherein the first and second parts have co-operating formations (3, 7) enabling the attachment of the first part to the second part to be selectively adjustable, whereby spacing of the pipe from the surface is adjustable, and limiting slidable movement of the second part relative to the first part in a given longitudinal direction but permitting slidable movement of the second part relative to the first part in a direction opposite the given direction once the second part has been slidably attached to the first part; wherein the second part comprises a base (horizontal portion extending between 14 and 14) connecting two spaced sides (14, 14) and inwardly turned ends (15) on the sides spaced from the base, wherein the base, sides and inwardly turned ends slidably capture the pipe (A) when disposed therein; wherein the inwardly turned ends (15) are spaced from one another less than the spacing between the spaced sides (14, 14).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakama in view of U.S. Patent 4,442,994 to Logsdon. Regarding claim 27, Nakama teaches the connecting device as applied above, but does not teach the base, spaced sides, and

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inwardly turned ends of the second part including ribs. Logsdon teaches a pipe clamp (Fig. 2) having a base, space sides and inwardly turned ends including ribs (38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base, spaced sides and inwardly turned ends of Nakama to include ribs because one would have been motivated to provide a means for fixedly holding the pipe within the second part as taught by Logsdon (col. 4, lines 37-44).

### ***Allowable Subject Matter***

Claim 25 (and dependent claim 26) would be allowable if claim 25 is rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21-24, 27, 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

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*Naschica S. Morrison*

Patent Examiner

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**3/17/04**



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER